



Appeal Decision

Site visit made on 26 August 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th September 2025

Appeal Ref: APP/Z1510/W/25/3360117

Locksmiths Farm, Robinhood End, Finchingfield, Essex CO9 4NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mark Robinson and Amy Allen against the decision of Braintree District Council.
 - The application Ref is 24/02362/FUL.
 - The development proposed is 'demolition of barn structures, development of a single dwelling and detached garage, external alterations of existing Nissen Hut together with hard and soft landscaping and boundary treatments'.
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Decision

1. The appeal is allowed and planning permission is granted for 'demolition of barn structures, development of a single dwelling and detached garage, external alterations of existing Nissen Hut together with hard and soft landscaping and boundary treatments' at Locksmiths Farm, Robinhood End, Finchingfield, Essex CO9 4NN in accordance with the terms of the application, Ref 24/02362/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are
 - (i) whether or not the development would be in a suitable location having regard to its location in the countryside and future occupiers' access to services, facilities and sustainable transport modes; and
 - (ii) whether or not there would be acceptable provision for the management of domestic waste.

Reasons

Location

3. The appeal site is located outside of any defined development boundary and is within the countryside in planning policy terms. In such locations, Policy LPP 1 of the Braintree District Local Plan 2013-2033 ('the LP') sets out that development will, amongst other things, be confined to uses appropriate to the countryside.
4. The appellant argues that the development would be appropriate with reference to character, heritage and environmental effects. I also note that the Council has not suggested that there would be conflict with requirements of LP Policy LPP 1 for protection and enhancement of valued landscapes, sites of biodiversity or geological value and soils and protection of the intrinsic character and beauty of the countryside. Nevertheless, the proposal would result in residential use on the site. I have not been provided with compelling evidence that this would in itself comprise

a use identified in the development plan or other relevant guidance as being appropriate to the countryside and I find as a consequence that the development in this location would be contrary to the terms of LP Policy LPP 1.

5. Given the site's location some distance away from any settlement, the proposal would also be contrary to Policy SP 3 of the LP insofar as it sets out the overarching spatial strategy, indicating that existing settlements will be the principal focus for additional growth, with development accommodated within or adjoining settlements according to their scale, sustainability and existing role.
6. Furthermore, the appellant does not dispute that the site lacks options to access local facilities and amenities by walking, cycling or public transport. This would result in a reliance by future occupiers on private vehicles and associated emissions and would be contrary to Policies SP 7 and LPP 42 of the LP which include requirements broadly seeking well-connected places and the promotion and prioritisation of sustainable modes of travel.
7. That said, the impact of travel associated with a single dwelling would in itself be likely to be very limited and while the National Planning Policy Framework ('the Framework') seeks to limit the need to travel and to offer a genuine choice of transport modes, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
8. Drawing these matters together, the location of the development within the countryside would be contrary to the overall spatial strategy for growth established by Policies SP 3 and LPP 1 of the LP. Future occupiers would also be dependent on private vehicles contrary to Policies SP 7 and LPP 42 of the LP, albeit that the harm in this regard would be limited. I therefore conclude on this main issue that the proposed development would not be in a suitable location having regard to relevant development plan policies and future occupiers' access to services, facilities and sustainable transport modes.

Waste Collection

9. The submitted plans indicate that bins for the dwelling would be presented for collection within the site access from the highway. This may be well within guideline distances for proximity to an adopted road, but the appellants have not disputed the Council's evidence that the presentation point would be approximately 70m from the dwelling's bin storage area. This would require residents to transfer bins a greater distance than is recommended by the Building Regulations which the Council advises suggest storage areas should ideally be within 30m of the dwelling and/or 25m of the collection point for ease of access.
10. Given the distance, I accept that the arrangement could be somewhat inconvenient for future occupiers, particularly in adverse weather or for those with restricted mobility. However, the route would be relatively level and without any significant obstruction and a suggested planning condition in respect of landscaping could ensure appropriate surfacing to the connecting driveway. Noting also the context of the site within the rural area, I consider on balance that the distance would not be so excessive or impractical as to be likely to deter recycling or proper waste disposal, nor to cause meaningful harm to the living conditions of occupiers.
11. In addition, the Building Regulation provisions cited by the Council refer to the specified distances as ideals rather than definitive requirements and I have not

been directed to any other relevant policy or guidance specifying distance requirements for domestic waste that the proposal would fail to adhere to. Against that context and in the specific circumstances of this case, I find that the shortcomings in the indicated arrangements resulting from the distance between the bin storage and collection presentation areas would not cause a level of harm sufficient to warrant dismissal of the appeal.

12. On balance, I conclude that there would be acceptable provision for the management of domestic waste as is broadly sought by LPP52 of the LP which includes a requirement for development to incorporate details of waste storage and collection arrangements to ensure that impacts on amenity and character are considered and recycling is optimised.

Other Matters

13. Noting that Locksmiths Farmhouse is a Grade II listed building, I have considered the proposal in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') which requires special regard to the desirability of preserving listed buildings and their setting.
14. The Farmhouse is a two-storey timber-framed building with a plaster exterior and a clay tile roof. Based on my observations and the information before me, I consider the significance of the listed building, insofar as it relates to this appeal, to be primarily associated with the architectural and historic interest of its built form and fabric as a farmhouse which the list entry indicates dates to the 16th Century with 18th and 19th Century alterations.
15. The building also derives some significance from its setting. Historic mapping indicates that it was part of a farmstead complex together with ranges of buildings to the north west in the broad location of the proposed development. The historic farmstead buildings are no longer present and while the appeal site includes a former Nissen hut, other modern barn and stable structures and remains are of no inherent historic interest. They are also in poor condition giving an untidy appearance to the site which detracts from the appreciation of the listed building. Nevertheless, they are read as working agricultural buildings within a wider agrarian landscape informing some understanding of the historic context, role and function of the Farmhouse. In that respect, the site makes some contribution to the significance of the listed building.
16. Having regard to their nature and condition, I agree with the Council's heritage advisor that the demolition of barn structures would not be objectionable. I am similarly satisfied that the utilitarian aesthetic of the proposed development would create a legibly modern yet compatible development which would be appropriate to the setting. Refurbishment of the retained former Nissen hut would also offer some benefit to its appearance within the landscape. In these respects, the proposal would offer enhancement to the setting of the listed building. At the same time however, the formation of a separate dwelling would effectively sever the agricultural use of this part of the site which has historically been associated with the Farmhouse.
17. The Council indicates that the proposal would preserve the listed building. Balancing the above factors, I consider that the overall effect of the proposal on Locksmiths Farm as a listed building would be neutral and I similarly find that the

setting and contribution that setting makes to the significance of the listed building would be preserved in accordance with the Act.

18. The Framework and Policy SP 3 of the LP outline general support for a prosperous rural economy and diversification of the rural economy. The Council's report comments that prospects for continued agricultural use of the appeal site and buildings are unclear, but the loss of agricultural use is not a reason for refusal and I have no firm evidence that the development would cause meaningful detriment to the rural economy so as to weigh against the proposal.
19. The information before me indicates that there is a proposal to divert the route of a right of way (Finchingfield Public Footpath 2) which passes through the appeal site with an order under the Highways Act 1980 made but not yet confirmed. Following the development, neither the existing nor the proposed route would be obstructed by buildings. The submitted plans suggest the routes would be crossed by boundary treatment, but final details of boundary treatment and landscaping on the site could be sought by planning conditions to include unlocked gates where necessary, ensuring that there would not be unreasonable limitations on use or access. In addition, other legislation provides that it is unlawful to obstruct a public right of way, and the granting of permission for the appeal proposal would not authorise the obstruction of the footpath as existing or diverted. Accordingly, I am not persuaded that planning conditions suggested by the Highway Authority and the Ramblers Association relating broadly to the maintenance of the right of way unobstructed would be necessary.

Benefits of the Proposal

20. I have noted above that the effect of the proposal on the significance of the listed building would be neutral. However, this is an overall assessment taking into account the change to the relationship of the Farmhouse with the appeal site as part of its historic agricultural setting. In terms of character and appearance more generally, I consider that the replacement of the modern and in some cases ruinous structures with a modest and sympathetic development appropriate to its rural context would increase openness and result in visual enhancement to the site with benefit to the character and appearance of the area.
21. Furthermore, the Council's heritage advisor comments that the Nissen hut on the site is thought to have originally come from an Essex airfield after the Second World War and that it is of local historic interest. On that basis and from the information before me, I consider it would warrant assessment as a non-designated heritage asset. The sympathetic refurbishment and reuse of the Nissen hut which is currently in visibly poor condition would sustain and enhance the significance of the asset and would be a benefit of the proposal. The development would also offer an opportunity for the creation of an archival record to better reveal and share the building's significance.
22. The Council suggests that improvement of the site could be secured by other forms of enhancement without the need to erect a dwelling and that refurbishment of the Nissen hut would not be dependent on the dwelling. However, there are no firm details to suggest that any such enhancements would be likely to be forthcoming in the absence of the appeal proposal such that this would be anything more than a theoretical prospect. In my view, the appeal proposal offers a clear and realistic opportunity to deliver enhancements which are unlikely to otherwise occur. This

would accord with Policies SP 3 and SP 7 of the LP insofar as they support conservation and enhancement of the natural environment and development that enhances the quality of existing places and their environs and that protects and enhances assets of historical value. It would also be generally in accordance with requirements within Policy LPP 1 of the LP that development protects and enhances landscapes and protects the intrinsic character and beauty of the countryside.

23. Against this context, I give significant weight to the benefits that the proposal would offer to the character and appearance of the area and to the significance of the Nissen hut.
24. The proposal would also make effective use of the site to provide an additional dwelling. The Council indicates that it is able to demonstrate a 5.32-year supply of deliverable housing sites. The appellant refers to evidence submitted as part of another appeal challenging this position, but even accepting the Council's assessment, the exceedance of the required 5 year supply is not a ceiling on development. The Framework seeks to boost significantly the supply of housing and I consider the delivery of housing on the site would be an important benefit attracting significant weight, albeit that I acknowledge the extent of the benefit deriving from a single dwelling would be limited.
25. Furthermore, the site may be set apart from any settlements, but future occupiers would still be likely to offer some support for local services in the rural area that could help to sustain their viability, even if travel to reach them was by private vehicle. The small scale of the development means that the effect would be likely to be very modest. Nevertheless, it would accord with the Framework which outlines that housing should be located where it will enhance or maintain the vitality of rural communities. The Framework additionally supports economic growth, although I note that economic benefits during construction and on occupation would also be limited given the small scale of the site. Construction effects would further be temporary. Overall, I give moderate weight to these benefits.
26. The proposal also includes biodiversity enhancements and the appellant suggests a biodiversity net gain percentage far in excess of required levels. However, the Council's ecological advisor indicates that updated calculations would be required such that the precise level of gain may be subject to some change. The relative contribution would also be fairly modest given the scale of the site, and I afford moderate weight to this factor.

Planning Balance

27. Although I have found that the proposal would make acceptable provision for the management of domestic waste, the location of the development within the countryside would be contrary to the overall spatial strategy for growth and there would be reliance on private vehicles resulting in conflict with Policies SP 3, SP 7, LPP 1 and LPP 42 of the LP.
28. However, the effects of travel associated with a single dwelling would not be significant and I have found that the ensuing harm in that respect would be limited. I have also found that the development in this location would result in enhancement to the character and appearance of the area such that the proposal would accord with other aspects of Policies SP 3 and LPP 1 of the LP, as well as Policy SP 7.

29. On the other hand, I give significant weight to the contribution that the proposal would make to the supply of housing, moderate weight to economic benefits and support for the vitality of rural communities and moderate weight to biodiversity enhancement. These benefits would each be of limited scale. In combination with the enhancements to the character and appearance of the area and to the significance of a non designated heritage asset, however, I find that the cumulative benefits of the proposal would be sufficient to outweigh the harm arising from the location of the site in the countryside contrary to the overall spatial strategy for growth and the reliance on private vehicles and the resulting conflict with the development plan when it is read as a whole.
30. Even accepting the Council's position that it has a 5 year supply of housing and so the presumption in favour of sustainable development at paragraph 11 d) of the Framework is not engaged, I accordingly find that there are material considerations which indicate that the appeal should be allowed, notwithstanding the conflict with the development plan.

Conditions

31. I have considered suggested conditions against the tests set out in the Framework. I have made amendments where necessary to ensure compliance with these tests or for clarity, brevity or consistency.
32. Condition 1 is the standard time limit condition, and I have imposed condition 2 for the avoidance of doubt and in the interests of certainty.
33. Condition 3 is necessary in the interests of highway safety and convenience and neighbouring occupiers' living conditions, while condition 4 is necessary in the interests of the character and appearance of the area. These conditions require details to be approved before development commences as measures under condition 3 would need to be in place to address effects arising during construction, and to provide adequate clarity in respect of any changes to land levels under condition 4. The appellant has agreed to these pre-commencement conditions.
34. Condition 5 is necessary to safeguard the significance of the Nissen hut and to secure its recording which I have noted as a benefit of the proposal. In addition, condition 13 was not suggested by the Council, but I consider it would be necessary to secure the refurbishment of the Nissen hut given that I have afforded weight to this factor as a benefit of the proposal.
35. Conditions 6 and 16 are necessary to safeguard and enhance biodiversity and ecology.
36. Conditions 7, 8, 9, 10 and 11 are necessary in the interests of the character and appearance of the area and the setting of the adjacent listed building, and in the case of conditions 8 and 9 the living conditions of occupiers. However, I am unclear why details of materials would be necessary before any works could take place and I have therefore amended condition 7 to require details before above ground works to the relevant building.
37. Condition 12 is necessary in the interests of biodiversity and the character and appearance of the area. Condition 14 is necessary to provide suitable communications infrastructure while condition 15 is necessary in the interests of

resource efficiency and to address the requirements of LP Policy LPP 72. Condition 17 is necessary to safeguard the environment and health.

38. I am mindful that the Framework indicates that planning conditions should only restrict national permitted development rights where there is clear justification to do so. In this case, I am satisfied that conditions 18 and 19 which remove certain rights in relation to the extension, improvement or alteration of the dwelling and boundary treatment would be justified given the potential for such development to affect the adjacent listed building and/or to erode or negate the benefits of the proposal which have informed my assessment of the overall planning balance.
39. Based on the information available, this permission would be subject to the biodiversity gain condition at paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 which provides that development may not begin unless: (a) A Biodiversity Gain Plan has been submitted to the planning authority, and (b) The planning authority has approved the plan. It is not necessary to duplicate this condition in the schedule of conditions to my decision. In addressing the condition however, regard should be had to comments made by the Ecology consultee highlighting a requirement for revised finalised calculations.
40. I have noted above that conditions relating to the route of the right of way through the site would not be necessary. Given my findings on the first main issue and the lack of sustainable transport options in the vicinity of the site, I consider that a suggested condition requiring travel information packs would be unnecessary and unreasonable and I have not imposed it. Similarly, I have not imposed a condition suggested by the highway authority relating to the size of parking spaces which I consider would be unnecessary having regard to the ample space available within the plot.

Conclusion

41. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans Nos: 24009-01 Rev A, 24009-02 Rev A, 24009-03 Rev D, 24009-04 Rev B, 24009-05, 24009-06, 24009-07 and 24009-09.
- 3) No development shall commence, including any works of demolition, until a dust and mud control management scheme, which specifies the provisions to be made for the control of dust from construction / excavation / vehicle activities on the site, has been submitted to and approved in writing by the Local Planning Authority. The approved dust and mud control management scheme shall be adhered to throughout the site clearance and construction process.

- 4) No development shall commence until full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall commence on the Nissen Hut, as it is shown on approved Plan Nos. 24009-02 Rev A, 24009-03 Rev D and 24009-07, until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) which has first been submitted to and approved in writing by the Local Planning Authority.

No development or preliminary groundworks of any kind shall take place on the Nissen Hut until the programme of recording identified in the WSI has been completed in accordance with the approved details.

Within six months of the completion of fieldwork, unless otherwise agreed in advance by the Local Planning Authority, a historic building report including confirmation for the deposition of a digital archive with the Archaeological Data Service (ADS) shall be submitted to and approved in writing by the Local Planning Authority.

- 6) No development above proposed ground level, excluding any works of demolition, shall commence until a Biodiversity Enhancement Layout for biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Layout shall include:
 - a) detailed designs and/or product descriptions for bespoke biodiversity enhancements; and
 - b) drawings indicating locations for bespoke biodiversity enhancements.

The enhancement measures shall be implemented in accordance with the approved details prior to the first occupation of the development and all features shall be retained in that manner thereafter.

- 7) No development above proposed ground level, excluding any works of demolition, shall commence on any building until an illustrated schedule of the types and colour of the materials to be used in the external finishes of that building has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 8) No development above proposed ground level, excluding any works of demolition, shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include the position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the first occupation of the development and shall be permanently retained as such thereafter.
- 9) No development above proposed ground level, excluding any works of demolition, shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations

associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme. All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless alternative details have been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing and hard surface areas shall be carried out in accordance with the approved details and implementation programme.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

- 10) Prior to their installation, additional drawings that show details of proposed new windows, doors, facia and sills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be permanently retained as such thereafter.
- 11) Prior to their installation, the specification of the proposed rooflights as shown on approved Plan Nos. 24009-03 Rev D, 24009-04 Rev B and 24009-05 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be permanently retained as such thereafter.
- 12) Prior to installation, details of any proposed external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed, retained and operated in accordance with the approved details. There shall be no other sources of external illumination installed on the site.
- 13) Prior to first occupation of the dwelling hereby permitted, the Nissen hut shall have been restored in accordance with the details shown on the approved Plan Nos. 24009-02 Rev A, 24009-03 Rev D and 24009-07.
- 14) Prior to first occupation of the development hereby permitted, a fibre broadband connection shall be provided to a broadband infrastructure providers network.
- 15) The development hereby permitted shall not be first occupied until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating how the dwelling shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day. The development shall be implemented in accordance with the approved details.
- 16) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ACJ ecology Ltd, November 2024), submitted with the planning application. This may include the appointment of an appropriately competent person (e.g. an ecological clerk of works) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority and the following shall be completed before any further development takes place:
- a) An investigation and risk assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority; and
 - b) Where remediation is necessary, a remediation scheme shall be prepared and submitted to and approved in writing by the Local Planning Authority; and
 - c) Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to and approved in writing by the Local Planning Authority.
- 18) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order with or without modification) no enlargement, improvement or alteration of the dwellinghouse as permitted by Class A and C of Part 1 of Schedule 2 of that Order shall be carried out.
- 19) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure as permitted by Class A of Part 2 of Schedule 2 of that Order shall be carried out.

End of Schedule